

SPECIAL COUNCIL MEETING

DECEMBER 17, 2014

The Special Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, December 17, 2014 at 8:18 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser (*present at 8:22 a.m.*)
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 8:20 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion?

The motion for approval of the agenda as circulated was then put, and unanimously carried (*Councilmember Hooser and Councilmember Kuali'i were not present*).

Council Chair Rapozo: Next item, Interviews. First, we have nominee Mr. Judge Gerald Matsunaga for the Liquor Control Commission. Sir.

There being no objections, the rules were suspended.

INTERVIEWS:

LIQUOR CONTROL COMMISSION:

- Gerald S. Matsunaga – Term ending 12/31/2017

Council Chair Rapozo: Good morning, Judge.

GERALD S. MATSUNAGA: Good morning.

Council Chair Rapozo: We have received your application and normally we start off with an opening statement by yourself. Just address us and then we will open up for questions from the members.

Mr. Matsunaga: Okay. I had a chance to meet with the Mayor and he asked me whether or not I was interested in serving on any Board or Commission. I informed him that there were two (2) Boards and Commissions that I was interested in. One was the Police Commission because of my background in law enforcement, and the second was the Liquor Commission because I served on

the Liquor Commission previously and I enjoy the hearings that they have. It is almost like going back to work again.

Council Chair Rapozo: Well, thank you. Thank you very much. Any questions for the Judge? Go ahead, Councilmember Yukimura.

Councilmember Yukimura: Good morning, Judge Matsunaga.

Mr. Matsunaga: Good morning Councilmember.

(Councilmember Kualii was noted as present.)

Councilmember Yukimura: It is such a pleasure because I have not seen you for a long time, and it is nice to see that you are wanting to get back into some of the governmental aspects of our community.

Mr. Matsunaga: Okay, I am glad you have no age restriction like the Judiciary, otherwise, I would be precluded.

Councilmember Yukimura: Why you seem quite fit and able. So, we are really happy to have you. I guess my question is, is there any particular aspect of the Liquor Commission's work that you are interested in?

Mr. Matsunaga: I am interested in the enforcement aspect, the people that come that are charged with violating the liquor rules and regulations. I also will be discussing matters relating to possible changes in the Liquor Commission laws.

Councilmember Yukimura: Okay. I just want to say that one of our interests as a Council, I think, has been in the enforcement of underage drinking laws. We are concerned about our young people having access and that, I think, comes under the Liquor Commission as well in terms of retailers, bars, and places where liquor is served. Do you have any thoughts about that?

Mr. Matsunaga: From what I have seen, Mr. Rapozo the head of the Liquor Department, has done a very good job as far as enforcement of the laws relating to the sale to minors. The amazing part is I guess these merchants must know that there is a task force out there and they have these minors.

(Councilmember Hooser was noted as present.)

Mr. Matsunaga: Obviously, they look not young enough not to have a proper identification, and yet, they sell it. It is kind of amazing that they are lax there.

Councilmember Yukimura: Yes. If there are ways to address that would, I think, help our goal.

Mr. Matsunaga: I think the penalty provision in the liquor rules and regulations provide for either a fine or suspension or revocation, but not both. I do not see why it should not be both, both a fine and/or revocation or suspension of license. You have the so called "mom and pop" stores and you have a big corporation like the hotels. The fines are still the same. It is a big difference when you fine a "mom and pop" store two thousand dollars (\$2,000) versus fining

maybe the Hilton or the Sheraton two thousand dollars (\$2,000). That is a drop in the bucket for them, and perhaps we have to look at having a different scale in terms of penalty provisions.

Councilmember Yukimura: That is an interesting idea, and if you are going to be looking at changes to your rules, that would...

Mr. Matsunaga: It will be asking the Legislature to provide those changes.

Councilmember Yukimura: I see.

Mr. Matsunaga: How successful we are, I am not sure.

Councilmember Yukimura: I think especially if there are repetitive violations.

Mr. Matsunaga: Yes.

Councilmember Yukimura: Yes. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Mr. Kagawa.

Councilmember Kagawa: I just wanted to thank you, Judge, for volunteering your service to the Liquor Commission. I just had one (1) question. If there is an opportunity or a vacancy that is created in the Police Commission, would you be willing to perhaps consider serving on that instead of the Liquor Control Commission?

Mr. Matsunaga: I would consider it.

Councilmember Kagawa: Because I feel like if we weigh both Departments, Liquor Department and Police Department, I feel like Police is perhaps where there are more challenges for the County in the future. So, if someone like you, I think, I would be elated if you could help that Commission at some point.

Mr. Matsunaga: I will certainly look at it.

Councilmember Kagawa: Thank you, Judge.

Council Chair Rapozo: Anyone else? If not, thank you very much, Judge.

Mr. Matsunaga: Thank you.

Council Chair Rapozo: I do want to thank you for your prior service. I know that you are very proactive or progressive in the enforcement component because I agree with you. The way you stop these corporations is by taking away the license rather than just fining.

Mr. Matsunaga: Yes, you suspend them for one (1) weekend, they would be really hurt.

Council Chair Rapozo: Yes. Thank you.

Mr. Matsunaga: Okay. Thank you.

Council Chair Rapozo: Next nominee is Mr. Louis Abrams for the Planning Commission. Mr. Abrams.

PLANNING COMMISSION:

- Louis E. Abrams – Term ending 12/31/2015

Council Chair Rapozo: Good morning. Likewise, we have received your application. So, if you would like to address the Council and give a brief opening statement. Start by stating your name for our captioner.

LOUIS E. ABRAMS: Louis Abrams. I appreciate all of you taking the time to hear it. I would be interested in any questions you may have.

Council Chair Rapozo: I am sorry. Councilmember Yukimura.

Councilmember Yukimura: Good morning, Louis.

Mr. Abrams: Good morning, JoAnn.

Councilmember Yukimura: You have been on the Commission before?

Mr. Abrams: I have. You appointed me, yes in 1993.

Councilmember Yukimura: I believe that boating issue was one of the controversies.

Mr. Abrams: I just caught the tail end of it, thank goodness.

Councilmember Yukimura: Yes. It is good to see that you are available again.

Mr. Abrams: Yes.

Councilmember Yukimura: I guess, are there particular concerns you have about the planning process that have brought you back that you would like to work on?

Mr. Abrams: I am following the planning process very closely for quite some time whether it is because of my business or because of the community work. I have learned at that point, that yes, probably I am. I do not really have any particular aspect that I am interested in dealing with because I have learned that the process that goes with it, we are really sort of an advise and consent. A lot of times we do not quite have all of the information and it is good to find some of that out and then provide the perspective, and then let it go from there.

Councilmember Yukimura: Well, often the Planning Commission is focused on permits and the other aspect of their job is long-range planning.

Mr. Abrams: Yes.

Councilmember Yukimura: To the credit of the Planning Director and his staff, they have embarked on updating our community plans and the Kōloa/Po'ipū/ Kālāheo Community Plan is one of those. Are you on the Committee?

Mr. Abrams: Yes.

Councilmember Yukimura: Have you been involved?

Mr. Abrams: I have. Part of that was after 2006-2008 where we had so many different permits in front of us, the circulation plan that came out of that process. The lesson that the resolution does not carry the effective Ordinance and a few other things that we saw and learned from that in dealing with that. We had asked the Mayor to schedule a review of the South Shore because there were a couple of things that we thought were important to do. We did not think it was going to come quickly and there are a couple of years there. Long-range planning from that standpoint is important and I cannot tell you how impressed I am with the process that we are going through. Form based codes, those types of different things compared to my service in regards to the previous General Plan and of course the Development Plan that was done in Po'ipū/Kōloa was back in 1984. So, it was well needed. So, we had that opportunity and it will be in front of you shortly.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you. Anyone else have any questions?
Mr. Kagawa.

Councilmember Kagawa: Thank you. Thank you for volunteering to serve again. I know serving on the Planning Commission probably is one of the most challenging jobs of any Board.

Mr. Abrams: Yes.

Councilmember Kagawa: And most important, I feel, as far as planning the future of this island, seeing that you are from the Kōloa area and I know that you are from that area for a while. Your last year was what year on the Planning Commission?

Mr. Abrams: 1996.

Councilmember Kagawa: 1996. Okay, so that has been what, eight (8) years?

Mr. Abrams: Eighteen (18).

Councilmember Kagawa: Eighteen (18) years ago. I guess my question is, through that eighteen (18) years we have seen a lot of changes in the Po'ipū area. I come from the West Side as well. I must honestly say I am not too happy with the amount of development that has taken place, the changes. Maybe I view it as having grown too fast. I like to see, I guess, slow growth, but if I can have your feelings. How do you feel about the development of that Po'ipū area, particularly the roundabout and right in front of Lāwa'i Beach Resort and such?

Mr. Abrams: Originally, of course I have always thought of it that the Po'ipū Resort was the Waikīkī of Kaua'i. So, it was an important job generator for our citizens and needed to be done as responsibly as possible. It was not something that was something like Kalāheo or something. We had some different issues there. Of course we experienced it with so many different applications that came in, and when it became apparent to me as in my role with the Community Association, traffic was a big issue and a number of other things and articulating what is a historic town such as Kōloa and those types of things. There were some voids, shall we say, that had not been filled that allowed us to express that. Now looking at this with a second change, I believe the form based code may address the Kōloa issue on the historic side. I look at it now as a fact that okay, this island is slowly –and remember, the zoning for that area was pretty much approved in 1972. It was already there.

Councilmember Kagawa: Okay.

Mr. Abrams: We ran into two (2) different lawsuits relative to vested rights, detrimental reliance, and all of these others things that a community does not understand right away, but we did learn first-hand. I stood side-by-side when our Monkey Pod trees came down. A lot of things that we had good times and bad times, but we came out of that in 2008 really not accomplishing much other than the Circulation Plan. We are very proud of that. That was definitely a specific articulation of what we thought needed to be done to the Po'ipū/Kōloa area in order to not come to gridlock in Kōloa Town when full build out happened. So, now we are at the General Plan, you look at the whole area, you look at the things that you are going to have to consider in terms of your long-range planning as to where are we with these resorts? Are we at maximum at ours? Does that mean with the anticipated growth or not that we set limits or not? Do we look to another area or do we deal with infilling a resort area? All of those things the planners have taught me to consider in regards to that and to look at it in a bigger picture. I have to –born and raised here, raised in Maui, looked at Maui, looked at the other islands, and realized that while we are sometimes unhappy with what we have here, comparatively speaking, I think we are doing a heck of a job. Our land use policies are what I consider, top notch because it has made this County distinctly different from the others. When I look at it from that standpoint, I feel comfortable that as we come to this, we have the tools to make the right decisions. I feel fortunate. At this point, the Planning Commission just passed the South Shore Plan. So, they will go ahead and send that on to you and then next will be coming the General Plan. So, we will have a chance to take a look at that and have a discussion, and this Council will make those decisions in regards to what you want to do. While it might not be what I have in mind, I have different aspects. I tended to look a little bit outside of it for real property tax revenue because that has been such a big issue. A resort area. All of our resort areas theoretically should be thinking to be contributing the most to our tax rolls to run this County. So, if that is something that is priority, then there may be some strategic things that need to be done, but we can have that discussion later on.

Councilmember Kagawa: Thank you. I will be in strong support of you. You gave a great answer. Thank you. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone else with questions for Mr. Abrams? If not, thank you very much.

Mr. Abrams: Thank you.

Council Chair Rapozo: Anyone in the audience wishing to testify on these matters? If not, thank you very much.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Oh, Mr. Chock.

Councilmember Chock: Just a comment. I did not ask any questions, Chair, but I just wanted to also share how pleased I am with the two (2) recommendations before us this morning. I think they are not only great candidates, but community leaders that I think will contribute very well. So, thank you and I appreciate your service.

Council Chair Rapozo: Thank you. Any further comments? If not, thank you very much. We will be voting on this matter later this afternoon and you will be notified. Thank you.

ADJOURNMENT.

There being no further business, the Special Council Meeting adjourned at 8:36 a.m.

Respectfully submitted,



SCOTT K. SATO
Council Services Review Officer

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